

SENATE BILL 320

M3

11r0690
CF 11r2889

By: **Senators Montgomery, Frosh, Kelley, Madaleno, Manno, Raskin, and Rosapepe**

Introduced and read first time: February 2, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2011

CHAPTER _____

1 AN ACT concerning

2 **Environment – Phosphorus – Commercial Dishwashing Detergent**

3 FOR the purpose of prohibiting a person from using, selling, manufacturing, or
4 distributing for use or sale certain commercial dishwashing detergents that
5 contain greater than a certain amount of phosphorus after a certain date;
6 repealing certain obsolete language; and generally relating to phosphorus in
7 commercial dishwashing detergents.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 9–1503
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2010 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Environment**

16 9–1503.

17 (a) Except as provided in subsection (b) of this section, a person may not use,
18 sell, manufacture, or distribute for use or sale within the State any cleaning agent
19 that contains more than 0.0 percent phosphorus by weight expressed as elemental

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 phosphorus except for an amount not exceeding 0.5 percent phosphorus that is
2 incidental to manufacturing.

3 (b) Except as provided in subsection (c) of this section, a person may use, sell,
4 manufacture, or distribute for use or sale a cleaning agent that contains greater than
5 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by
6 weight that is:

7 (1) A detergent used in a **COMMERCIAL** dishwashing machine[,
8 whether commercial or household]; or

9 (2) A substance the Secretary, by rule and regulation, excludes from
10 the 0.0 percent phosphorus limitation of subsection (a) of this section based on a
11 finding that compliance with this section would:

12 (i) Create a significant hardship on the user; or

13 (ii) Be unreasonable because of the lack of an adequate
14 substitute cleaning agent.

15 (c) **(1)** ~~After [July 1, 2010] JANUARY 1, 2013, a~~ **A** person may not use,
16 sell, manufacture, or distribute for use or sale within the State any detergent for use
17 in a ~~[household] COMMERCIAL~~ dishwashing machine that contains more than 0.5
18 percent phosphorus by weight.

19 **(2) AFTER JANUARY 1, 2013, A PERSON MAY NOT USE, SELL,**
20 **MANUFACTURE, OR DISTRIBUTE FOR USE OR SALE WITHIN THE STATE ANY**
21 **DETERGENT FOR USE IN A COMMERCIAL DISHWASHING MACHINE THAT**
22 **CONTAINS MORE THAN 0.5 PERCENT PHOSPHORUS BY WEIGHT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.